REMARKS

This paper is responsive to the Office Action dated November 21, 2003. All rejections and objections of the Examiner are respectfully traversed. Reconsideration and further examination are respectfully requested.

The Examiner objected to claim 42 for certain informalities. Amendments to claim 42 are respectfully believed to meet all requirements of the Examiner in this regard.

At paragraphs 1 and 2 of the Office Action, the Examiner rejected claims 1-9, 11-13, 15-23, 25-27, 29-37, 39-41 and 43 for anticipation under 35 U.S.C. 102, citing United States patent number 5,687,167A of Bertin et al. ("Bertin et al."). Applicants respectfully traverse this rejection.

In the background section of Bertin et al., call set up concepts are introduced. The Bertin et al. background states that bandwidth management in most high speed packet communications networks utilizes connection level controls applied at the time the connection is set up based on the load characteristics of the transmission links in the connection route. As described in the Bertin et al. background, such connection level controls include bandwidth allocation, path selection, admission control and call set up. In this regard, Bertin et al. teach that bandwidth allocation may be accomplished by noting, at connection set up time, the "equivalent capacity" loading that the new connection will generate, based on the traffic characteristics of the source signal and the desired quality of service.

Bertin et al. have as an object the efficient use of resources through the application of priority groups, and particularly of the bandwidth available in high bandwidth networks operating with multiple preemption priorities. As described by Bertin et al., first a limited number of

priority groups is defined to use in the routing functions. The Bertin et al. process operates to select a best path according to the bandwidth available within the limited number of priority groups. Bandwidth used by the network connections in Bertin et al. is not known for each connection priority value, but only for each priority group. Bertin et al. describe a first approach that considers only the bandwidth of lower priority preemption groups as potentially available. As an alternative, Bertin et al. describe the possibility of computing, from the cumulated bandwidth information associated with each priority group stored in a Topology Database, a median priority level defined as the priority level that divides the used bandwidth of the group into two equal parts. This alternative approach described by Bertin et al. allows connections to be established even if not enough bandwidth exists in groups with lower priorities by preemption of connections within a group. Bertin et al. teach that median priority allows a much better knowledge of the bandwidth utilization per group on a link, while consuming very little memory space and generating very low traffic overload.

Nowhere in Bertin et al. is there disclosed or suggested any method or system for allocating resources on a network, including:

> receiving a request for reservation of network resources, the reservation including a destination address on the network;
>
> ***receiving data indicating an activation time that the resources are to be activated***;
>
> and
>
> allocating resources on network devices on a path to the destination address to accommodate the reservation if the network devices have sufficient resources to accommodate the reservation, ***wherein the allocating is at the activation time.***

As in the present independent claims 1, 15, 29 and 43. In contrast, Bertin et al. describes bandwidth management using connection level controls applied ***at the time the connection is set***

up based on the load characteristics of the transmission links in the connection route. See column 2, lines 21-25. If the requested resources are not available at call set up time, and they cannot be allocated based on the prioritization scheme of Bertin et al., the request is denied. Accordingly, Bertin et al. fail to recognize even the desirability of any system that operates to set up resources for activation at a specified activation time, and the activates the resources based on the specified activation time, as is set forth in the present independent claims.

For the above reasons, Applicants respectfully urge that Bertin et al. does not disclose or suggest all the features of the present independent claims 1, 15, 29 and 43. Accordingly, Bertin et al. does not anticipate the present independent claims 1, 15, 29 and 43 under 35 U.S.C. 102. As to claims 2-9, 11-13, 16-23, 25-27, 30-37 and 39-41, they each depend from claims 1, 15 and 29, and are respectfully believed to be patentable over Bertin et al. for at least the same reasons.

At paragraphs 3 and 4 of the Office Action, the Examiner rejected claims 10, 14, 24, 28, 38 and 42 for obviousness under 35 U.S.C. 103, again citing Bertin et al., and also citing United States patent number 6,459,682 of Ellesson et al. ("Ellesson et al."). Applicants respectfully traverse this rejection.

Ellesson et al. disclose an architecture for supporting service level agreements in an IP network. In particular, Ellesson et al. describe a method of controlling packet traffic in an IP network of originating, receiving and intermediate nodes to meet performance objectives established by service level agreements. Traffic statistics and performance data such as delay and loss rates relating to traffic flows are collected at intermediate nodes in the Ellesson et al. system. Ellesson et al. further disclose that a control server processes the collected data to determine data flow rates for different priorities of traffic. The relevant disclosure of Bertin et al. is discussed above.

Nowhere in the combination of Bertin et al. and Ellesson et al. is there disclosed or suggested any method or system for allocating resources on a network, including:

> receiving a request for reservation of network resources, the reservation including a destination address on the network;
> ***receiving data indicating an activation time that the resources are to be activated***;
> and
> allocating resources on network devices on a path to the destination address to accommodate the reservation if the network devices have sufficient resources to accommodate the reservation, ***wherein the allocating is at the activation time***.

As in the present independent claims 1, 15, 29, from which claims 10, 14, 24, 28, 38 and 42 each depend. In contrast, Ellesson et al. are concerned with reducing the amount of signaling needed to allocated network resources with respect to previous approaches such as Response ReserVation Protocol (RSVP).

For the above reasons, Applicants respectfully urge that the combination of Bertin et al. and Ellesson et al. does not disclose or suggest all the features of the present independent claims 1, 15 and 29, from which claims 10, 14, 24, 28, 38 and 42 depend. Accordingly, the combination of Bertin et al. and Ellesson et al. does not form a *prima facie* case of obviousness under 35 U.S.C. 103 with respect to the present independent claims 1, 15 and 29, and dependent claims 10, 14, 24, 28, 38 and 42 are believed to be patentable over the combination of Bertin et al. and Ellesson et al. for at least the same reasons. Reconsideration of all pending claims is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully

requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

MARCH 22, 2004
Date

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Docket No. 120-296
Dd: 2/21/04